United Nations A/INF/62/5

General Assembly

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Sixty-second session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the annual note by the United Nations Administrative Tribunal to the President of the General Assembly.

07-65875 (E) 160108

Annex

Annual note by the United Nations Administrative Tribunal to the President of the General Assembly

1. At its third plenary session, held in Paris on 20 December 1951, the United Nations Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the present note is submitted in respect of the year 2007.

A. Appointment of members of the Tribunal by the General Assembly

2. At its 52nd plenary meeting, on 15 November 2007, the General Assembly, on the recommendation of the Fifth Committee (A/62/532, para. 4), reappointed Dayendra Sena Wijewardane (Sri Lanka) and appointed Agustín Gordillo (Argentina) as members of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2008 (decisions 62/412).

B. Composition of the Tribunal during 2007

3. In 2007, the Tribunal was composed of the following members:

Spyridon Flogaitis (*President*)

Jacqueline R. Scott (*First Vice-President*)

Dayendra Sena Wijewardane (*Second Vice-President*)

Julio Barboza

Brigitte Stern

Goh Joon Seng

Bob Hepple

C. Fifty-eighth plenary session

4. The Tribunal met in annual plenary session in New York on 15 November 2007, pursuant to article 5, paragraph 1, of its rules. All members were present except Mr. Julio Barboza.

D. Judgements delivered during 2007

5. In 2007, the Tribunal held two sessions, one in Geneva from 25 June to 27 July and one in New York from 22 October to 21 November. The composition of the panels and the corresponding judgements rendered are as follows.

Case No. 1301
Stouffs
Geneva, 3-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Barboza

(Stouffs against the Secretary-General of the United Nations)
(Request by former United Nations staff member for revision of judgement No. 1212)
Judgement No. 1317

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Case No. 1303
Sam-Thambiah
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Sam-Thambiah against the Secretary-General of the International Seabed Authority)
(Request by former ISA staff member for revision of judgement No. 1214)
Judgement No. 1318

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Case No. 1382
Elasoud
Case No. 1406
Elasoud
New York, 31 October-21 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Elasoud against the Secretary-General of the United Nations)
(Request by former United Nations staff member to remove a document from his files. Claims for compensation for violation of due process; for prejudice, discrimination and mismanagement; and for irregularities and errors of fact in the Joint Appeals Board (JAB) proceedings)
Judgement No. 1319

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Case No. 1393
Moreira de Barros
New York, 30 October-21 November 2006
Geneva, 27 June-27 July 2007
Ms. Scott, presiding
Mr. Barboza
Ms. Stern

(Moreira de Barros against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions to demote him by one level, with no possibility of promotion for two years, and to impose a written censure for misconduct)
Judgement No. 1320

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Case No. 1395
Derecha
New York, 30 October-21 November 2006
Geneva, 25 June-27 July 2007
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Derecha against the Secretary-General of the United Nations)
(Request by former staff member of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for rescission of the decision to separate him from service for misconduct)
Judgement No. 1321

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Case No. 1396
Berrezoug
New York, 25 October-21 November 2006
Geneva, 27 June-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Barboza

(Berrezoug against the Secretary-General of the United Nations)
(Claim by United Nations staff member for retroactive payment of the difference in salary and entitlements between the G-6 and P-3 levels)
Judgement No. 1322

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Case No. 1397
Benzari
New York, 26 October-21 November 2006
Geneva, 6-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Mr. Goh

(Benzari against the Secretary-General of the United Nations)
(Claims by former United Nations Children's Fund (UNICEF) staff member for compensation for sexual harassment; for failure on the part of UNICEF to follow its rules concerning the placement of staff from abolished posts; and for failure to fully and fairly consider her for the G-6 post to which she had applied)
Judgement No. 1323

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Case No. 1398
Shifferaw
New York, 8-22 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Shifferaw against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for review of his appointment status)
Judgement No. 1324

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Case No. 1400
Tirronen
New York, 8-21 November 2006
Geneva, 28 June-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Barboza

(Tirronen against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision to maintain the classification of her post at the ICS-6 level)
Judgement No. 1325

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Case No. 1402
Zoubanov
New York, 26 October-21 November 2006
Geneva, 26 June-27 July 2007
Ms. Scott, presiding
Mr. Barboza
Mr. Goh

(Zoubanov against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1326

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Case No. 1403
Kraljevic
New York, 24 October-21 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Kraljevic against the Secretary-General of the United Nations)
(Request by former ICTY staff member for rescission of the decision not to renew her fixed-term appointment)
Judgement No. 1327

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Case No. 1404
Chehab
New York, 1-21 November 2006
Geneva, 29 June-27 July 2007
Ms. Scott, presiding
Mr. Barboza
Mr. Goh

(Chehab against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by widow of a former UNRWA staff member for compensation for failure on the part of the Agency to transfer Provident Fund entitlements per their agreement with the applicant)
Judgement No. 1328

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Case No. 1405
Daadouch
New York, 31 October-21 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Daadouch against the Secretary-General of the United Nations)
(Claims by former United Nations staff member for compensation for violation of due process; for prejudice, discrimination and mismanagement; and for irregularities and errors of fact in the Joint Appeals Board (JAB) proceedings)
Judgement No. 1329

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Case No. 1407
Medhurst
New York, 31 October-21 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Medhurst against the Secretary-General of the United Nations)
(Claims by former United Nations staff member for compensation for violation of due process; for prejudice, discrimination and mismanagement; and for irregularities and errors of fact in the JAB proceedings)
Judgement No. 1330

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Case No. 1408
Antaki
New York, 30 October-21 November 2006
Geneva, 28 June-27 July 2007
Mr. Wijewardane, presiding
Mr. Barboza
Ms. Stern

(Antaki against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of the decisions not to promote her)
Judgement No. 1331

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Case No. 1409
Harbi
New York, 3-21 November 2006
Geneva, 25 June-22 July 2007
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Harbi against the United Nations Joint Staff Pension Board (UNJSPB))
(Request by widow of a former participant in the United Nations Joint Staff Pension Fund (UNJSPF) for rescission of the decision that she was not entitled to receive a widow's benefit under article 34 of the UNJSPF Regulations)
Judgement No. 1332

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Case No. 1410
Varchaver
New York, 24 October-21 November 2006
Geneva, 26 June-27 July 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Varchaver against the Secretary-General of the United Nations)
(Request by retired United Nations staff member for rescission of the decision to refuse him permission to re-enrol in the United Nations dental insurance plan)
Judgement No. 1333

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Case No. 1411
Arda
New York, 26 October-22 November 2006
Geneva, 2-27 July 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Arda against the Secretary-General of the United Nations)
(Claim by United Nations staff member for compensation for injury suffered as a result of the arbitrary withdrawal of a vacancy announcement)
Judgement No. 1334

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Case No. 1416
Ayaz
Geneva, 3-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Goh

(Ayaz against the Secretary-General of the United Nations)
(Request by former Office of the United Nations High Commissioner for Refugees (UNHCR) staff member for rescission of the decision to separate her from service for misconduct)
Judgement No. 1335

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Case No. 1417
Dzuro
Geneva, 25 June-27 July 2007
Ms. Scott, presiding
Ms. Stern
Mr. Goh

(Dzuro against the Secretary-General of the United Nations)
(Request by former Economic Commission for Latin America and the Caribbean (ECLAC) staff member for rescission of the decision not to promote him)
Judgement No. 1336

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Case No. 1418
Pascal
Geneva, 9-27 July 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Barboza

(Pascal against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision to fine him one month's net base salary for violating staff regulations 1.2 (f) and (i) and breaching Office of Internal Oversight Services (OIOS) protocols)
Judgement No. 1337

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Case No. 1420
Niang
Geneva, 19-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Goh

(Niang against the Secretary-General of the United Nations)
(Request by Economic Commission for Africa (ECA) staff member for rescission of the decisions to reassign him and not promote him)
Judgement No. 1338

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Case No. 1421
Sharma
Geneva, 19-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Mr. Goh

(Sharma against the Secretary-General of the United Nations)
(Request by former United Nations Development Programme (UNDP) staff member for rescission of the decision to refuse him permission to withdraw his resignation)
Judgement No. 1339

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Case No. 1423
Sodonon
Geneva, 5-27 July 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Sodonon against the Secretary-General of the United Nations)
(Request by UNDP staff member for rescission of the decision to separate him from service for misconduct)
Judgement No. 1340

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Case No. 1424
Hawa
Geneva, 25 June-27 July 2007
Mr. Wijewardane, presiding
Mr. Barboza
Ms. Stern

(Hawa against the Secretary-General of the United Nations)
(Claim by United Nations staff member for payment of additional compensation as recommended by JAB)
Judgement No. 1341

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Case No. 1425
Abdel-Al
Geneva, 28 June-27 July 2007
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Abdel-Al against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1342

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Case No. 1426
Loriot
Geneva, 5-27 July 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane
Mr. Barboza
Ms. Stern
Mr. Goh

(Loriot against the Secretary-General of the United Nations)
(Claims by UNDP staff member for additional compensation for procedural errors, and for compensation for injuries suffered as a result of violation of due process in the evaluation and rebuttal process)
Judgement No. 1343

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Case No. 1427
Belov
Geneva, 6-27 July 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Barboza

(Belov against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1344

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Case No. 1428
Pérez
Geneva, 11-27 July 2007
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Pérez against the Secretary-General of the United Nations)
(Request by former UNDP staff member for rescission of the decision to terminate her permanent appointment)
Judgement No. 1345

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Case No. 1450
Muhorakeye
New York, 31 October-21 November 2007
Mr. Flogaitis, President
Mr. Barboza
Sir Bob Hepple

(Muhorakeye against the Secretary-General of the United Nations)
(Request by former World Food Programme (WFP) staff member for rescission of the decision to separate her from service for abolition of post)
Judgement No. 1346

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Case No. 1451
Koeppen
New York, 29 October-21 November 2007
Ms. Scott, presiding
Mr. Goh
Sir Bob Hepple

(Koeppen against the Secretary-General of the United Nations)
(Claims by United Nations Environment Programme (UNEP) staff member for review of step level upon promotion, and for compensation for financial losses resulting from late payment of entitlements)
Judgement No. 1347

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Case No. 1452
Van Note
New York, 24 October-21 November 2007
Mr. Wijewardane, presiding
Ms. Stern
Sir Bob Hepple

(Van Note against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for compensation for failure to reclassify her post)
Judgement No. 1348

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Case No. 1453
Kavanda
New York, 25 October-21 November 2007
Ms. Scott, presiding
Mr. Barboza
Sir Bob Hepple

(Kavanda against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to renew his short-term appointment)
Judgement No. 1349

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Case No. 1313
Balogun
New York, 23 October-21 November 2007
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Balogun against the Secretary-General of the United Nations)
(Request by United Nations staff member for revision of judgement No. 1232)
Judgement No. 1350

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Case No. 1339
Kapoor
New York, 24 October-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Barboza

(Kapoor against the Secretary-General of the United Nations)
(Request by former United Nations Population Fund (UNFPA) staff member for revision of judgement No. 1247)
Judgement No. 1351

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Case No. 1429
Prescott
New York, 25 October-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Goh

(Prescott against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions not to promote her)
Judgement No. 1352

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Case No. 1430
Perkin
New York, 1-21 November 2007
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Perkin against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote her)
Judgement No. 1353

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Case No. 1431
Daadouch
New York, 2-21 November 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Daadouch against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for compensation for violation of his rights of due process in the handling of an incident between him and another staff member; and request for rescission of the decision not to conduct a confidential investigation)
Judgement No. 1354

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Case No. 1432
Mirza
New York, 30 October-21 November 2007
Ms. Scott, presiding
Ms. Stern
Mr. Goh

(Mirza against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to grant him step XIV upon his promotion to the P-3 level)
Judgement No. 1355

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Case No. 1433
Facchin
New York, 23 October-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Sir Bob Hepple

(Facchin against the United Nations Joint Staff Pension Fund)
(Claim by former UNJSPF participant for payment of the total amount of the withdrawal settlement originally quoted to her)
Judgement No. 1356

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Case No. 1434
Juma
New York, 30 October-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Sir Bob Hepple

(Juma against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision to maintain him on suspension without pay for an extended period and to summarily dismiss him for serious misconduct)
Judgement No. 1357

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Case No. 1435
Rezayee
New York, 26 October-21 November 2007
Ms. Scott, presiding
Mr. Goh
Sir Bob Hepple

(Rezayee against the Secretary-General of the United Nations)
(Request by former UNDP staff member for rescission of the decision not to take any action on her claim for compensation for service-incurred injury, and claim for compensation for violation of her rights of due process)
Judgement No. 1358

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Case No. 1437
Pérez-Soto
New York, 29 October-21 November 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Pérez-Soto against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions of the Ombudsman and the Administration not to investigate his complaints)
Judgement No. 1359

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Case No. 1438
Tarifi
New York, 23 October-21 November 2007
Ms. Scott, presiding
Mr. Barboza
Sir Bob Hepple

(Tarifi against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by UNRWA staff member for rescission of the decision not to select him for a post)
Judgement No. 1360

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Case No. 1439
Medhurst
New York, 2-21 November 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Medhurst against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decisions not to renew his fixed-term appointment and to reassign him for the remainder of his contract)
Judgement No. 1361

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Case No. 1440
Suárez
New York, 2-21 November 2007
Ms. Scott, presiding
Mr. Wijewardane
Mr. Goh

(Suárez against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to select him for a post, and claims regarding inclusion of adverse material in his official status file; abolition of post; discrimination and harassment; delay in classifying his post; and claims concerning medical expenses and medical leave)
Judgement No. 1362

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Case No. 1441
Gonzales
New York, 31 October-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Sir Bob Hepple

(Gonzales against the United Nations Joint Staff Pension Board)
(Claim by UNJSPF participant for recalculation of retirement benefit)
Judgement No. 1363

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Case No. 1442
Hy
New York, 30 October-21 November 2007
Mr. Wijewardane, presiding
Mr. Barboza
Sir Bob Hepple

(Hy against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1364

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Case No. 1443
Cooke
New York, 1-21 November 2007
Mr. Flogaitis, President
Mr. Barboza
Ms. Stern

(Cooke against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1365

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Case No. 1444
Lacoste
New York, 31 October-21 November 2007
Mr. Flogaitis, President
Mr. Goh
Sir Bob Hepple

(Lacoste against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to renew her fixed-term appointment)
Judgement No. 1366

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Case No. 1445
Kebede
New York, 1-21 November 2007
Mr. Wijewardane, presiding
Mr. Barboza
Ms. Stern

(Kebede against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to permit him to change his designated home leave destination)
Judgement No. 1367

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Case No. 1446
Al-Mulla
New York, 1-21 November 2007
Mr. Flogaitis, President
Ms. Scott
Mr. Goh

(Al-Mulla against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to find that the respondent had violated the terms of a settlement agreement)
Judgement No. 1368

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Case No. 1447
Musa
New York, 26 October-21 November 2007
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Musa against the Secretary-General of the United Nations)
(Claims by United Nations staff member for compensation for violation of her rights of due process and for moral injury and stress caused by the respondent's breach of his obligations to her)
Judgement No. 1369

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Case No. 1448
Megzari
New York, 29 October-21 November 2007
Mr. Wijewardane, presiding
Mr. Barboza
Sir Bob Hepple

(Megzari against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to promote him; and claim for compensation for violation of his rights of due process)
Judgement No. 1370

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Case No. 1449
Ba-N'Daw
New York, 29 October-21 November 2007
Mr. Wijewardane, presiding
Mr. Stern
Mr. Goh

(Ba-N'Daw against the Secretary-General of the United Nations)
(Request by former UNDP staff member for rescission of the decision not to renew her fixed-term appointment; and claim for compensation for the violation of her rights of due process)
Judgement No. 1371

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E. Summary of cases that merit special attention

6. The Tribunal would like to draw the attention of the General Assembly to a number of judgements distributed in 2007 that it considers to be landmark decisions, expanding its jurisprudence. A short summary of each is set out below.

7. In judgement No. 1400, *Tirronen*, which was rendered on 27 July 2007 and distributed on 28 September, the Tribunal was requested to determine whether the applicant's post had been properly classified. Effective 1 September 2003, her post was reclassified from GS-5 to ICS-6 (equivalent to GS-6); however, according to the applicant, that level was "still not appropriate". The Ad Hoc Classification Recourse Panel of the United Nations Development Programme (UNDP) met to consider the applicant's appeal, but recommended that "the classified level, ICS-6, be maintained". Thereafter, the parties disputed as to whether the letter informing her of the Panel's decision constituted the final decision in her appeal, appealable to the United Nations Administrative Tribunal, or whether she needed to first bring her case to the Joint Appeals Board (JAB). The Tribunal noted that the latter issue had been put to rest by the parties themselves, as the respondent finally accepted that the matter was receivable by the Tribunal. The Tribunal took the opportunity to confirm that the Recourse Panel was undoubtedly a joint staff-management review body within UNDP, and was a direct parallel to the Classification Appeals Committee in the United Nations Secretariat. The Tribunal considered it only logical that a decision based on the findings of the Recourse Panel should be appealable to the Tribunal, without further recourse to JAB, regardless of whether the parties had agreed on the facts. In the event of a lacuna in the ascertainment of the facts, it was for the Tribunal itself to take cognizance of that situation and to make any appropriate orders it considered necessary. With regard to the applicant's allegations that the reclassification of her post was based on "incorrect factual information provided by [her] supervisor" which the Recourse Panel failed to properly

"examine" or "verify", and that she was not given an opportunity to comment on the statement provided to the Panel by her supervisor, the Tribunal was of the view that transparency of the process would have been better served had the Recourse Panel ensured that the statements made by each party were made available to the other for comment, particularly in view of the Panel's quasi-judicial nature, a "joint appeals body" under the auspices of article 7 of the statute of the Tribunal. It found that while the Administration's failure to provide the applicant with her supervisor's comments amounted to a *putative* violation of her rights of due process, it neither vitiated the impugned decision nor amounted to a violation of her rights of due process meriting compensation. The Tribunal observed that as the applicant had been formally notified of the existence of the material, "it was incumbent on her to ask at the first opportunity to see it, and to comment thereon, if she considered it important". The Tribunal considered such action to be "a reasonable, indeed minimal, effort towards safeguarding her interests" and held that, "whilst staff members enjoy rights of due process, and the respondent has the duty to protect same, a staff member may not neglect to take reasonable steps to protect his or her own interests in a timely fashion and, later, attempt to rely upon the Administration's acts or omissions as vitiating the impugned decision". Accordingly, the application was rejected.

8. In judgement No. 1423, *Sodonon*, which was rendered on 27 July 2007 and distributed on 28 September, the applicant requested rescission of the decision to dismiss him from service for misconduct. The applicant was advised of this decision on 8 March 2005 but, on 18 March, he wrote to the Administrator of UNDP, asking him to consider granting an agreed separation, rather than imposing disciplinary sanctions. On 18 April, the applicant was advised that the decision stood but that, for humanitarian purposes, the Administrator would defer the effective date of dismissal until the date upon which the applicant reached the age at which he could take early retirement or the date upon which he secured other employment which provided medical insurance, whichever came earlier. As of 1 April, the applicant was placed on special leave without pay. The Tribunal noted that the Administration was clearly not hostile to the applicant. This was evidenced by the Administrator's decision to defer the effective date of the applicant's dismissal for a period potentially in excess of two years, as well as by the fact that UNDP continued to pay the employer's share of his medical coverage. With regard to the applicant's allegations that his rights of due process had been violated during the disciplinary process, the Tribunal found nothing in the file which adequately supported his claims. In contrast, it found that the Administration had sufficient evidence against the applicant to wish to discontinue his employment. Thus, the Tribunal concluded that the Administrator was entirely justified in deciding to dismiss the applicant — albeit with a lengthy, indeed generous, notice period — and rejected the application.

9. Judgement No. 1343, *Loriot*, which was rendered on 27 July 2007 and distributed on 28 September, is the first judgement rendered by the whole Tribunal in accordance with article 8 of its statute. The applicant presented two claims: (1) that the compensation recommended by JAB for procedural errors was not sufficient; and (2) that he should be paid compensation for various other professional, moral and material injuries caused by the respondent. The Tribunal concurred with JAB and the Secretary-General on the first issue, namely, that the applicant had received sufficient satisfaction. On the second issue, it noted that the other relief sought in his application was substantially similar to that sought by the

applicant in earlier cases in which he had made the same complaints of harassment. The Tribunal thus found that these complaints were res judicata. Moreover, it was of the view that it was an abuse of process and of the internal justice system of the United Nations for the applicant to ground his claims for relief in multiple applications when the issues raised were the same and could have been dealt with in one application. The application was rejected in its entirety. Furthermore, the applicant had requested that the Tribunal, before addressing the instant case, make a correction to a paragraph in judgement No. 1309 (2006), fundamentally altering its meaning. In the event such correction was not made, he demanded that members of the Tribunal who had considered his earlier cases (see judgements Nos. 1217 (2004), 1308 (2006) and 1309 (2006)) recuse themselves from consideration of his current application. The Tribunal found no basis for recusal and, on the merits of the request, found that the applicant had not satisfied the requirements of article 12 of the statute.